

AMENDMENTS TO THE DRAWINGS:

Applicant respectfully attaches to this paper four (4) pages of drawing Replacement Sheets, corresponding to Figures 1a-7, amended to provide consistent descriptive language with the specification. Specifically, Applicant amends the recitation of "opposite bearer" in Figures 1b and 2-7 to recite "peer bearer"; the recitation of "QoS resource control strategy" in Figure 3 to recite "QoS resource control policy"; the recitation of "local end bearer network resource manager" in Figure 6 to recite "peer bearer network resource manager." The amendments are supported by the specification as originally filed. No new matter is introduced.

Attachments: Replacement sheets for four (4) pages of drawings, corresponding to Figures 1a-7.

REMARKS¹

This paper is in response to the non-final Official Action of August 14, 2009. In the Office Action, (a) claims 21 and 25 were rejected as allegedly lacking sufficient antecedent basis for "a further handshake message"; and (b) claims 21-23 and 25-26 were rejected as allegedly being obvious over U.S. Patent Application Publication No. 2003/0009580 A1 to Chen ("Chen") in view of U.S. Patent Application Publication No. 2003/0093526 A1 to Nandagopalan ("Nandagopalan") and further in view of U.S. Patent Application Publication No. 2005/0152286 A1 to Betts et al. ("Betts").

By this amendment, Applicant has amended claims 1, 21 and 25, and canceled claims 22 and 26. After entry of this paper, claims 1, 2, 4, 5, 8, 10-16, 20-21, 23, and 25 will be pending in the application. Applicant respectfully requests reconsideration and allowance of the application in view of the foregoing amendments and the remarks below.

Claim Rejections – 35 U.S.C. § 112

Claims 21 and 25 were rejected as lacking sufficient antecedent basis for "a further handshake message." Applicant has amended these two claims. Applicant believes that the amendments have addressed the Examiner's concerns. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 21 and 25 under 35 U.S.C. § 112, second paragraph.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

Allowable Subject Matter

Applicant gratefully acknowledges the indication of allowable claims 1-5, 8, 10-16, and 20.

Claim Rejections – 35 U.S.C. § 103(a)²

Applicant respectfully traverses the rejection of claims 21, 23 and 25 under 35 U.S.C. § 103(a) over Chen in view of Nandagopalan and further in view of Betts at least for the reason that Betts is not prior art.

The cover sheet of Betts asserts an effective filing date of December 19, 2003. The present application claims a benefit of priority of Chinese application Ser. No. 03143770.2 filed Aug. 1, 2003. MPEP provides that:

an applicant may be able to overcome the ... rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date. MPEP § 2136.03.

A translation of Chinese Application No. 03143770.2 is submitted along with a Translator's Certificate stating the accuracy of the translation. Applicant respectfully submits that since Applicant's priority date of August 1, 2003 is earlier than the effective U.S. filing date of Betts, Betts is not prior art, and all rejections relying upon Betts are improper. Accordingly, Applicant respectfully requests, for at least this reason, that the Examiner withdraw the rejection of claims 21, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over a combination including Betts.

² Rejection to canceled claims 22 and 26 is now moot.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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